

## Exhibit "A"

February 2, 2015

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for January 16 through January 31, 2015

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of January 16 through January 31, 2015. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Luxury Inn (Jay Patel)** filed a claim in the amount of \$3,236.84 for damage incurred to motel room door as the result of action by Lincoln police. This claim has been reviewed by this office and has been **denied**.

### **ALLOWED/SETTLED CLAIMS:**

**Torrance Rose** filed a claim during the month of November, 2014, in an unspecified amount for alleged damages incurred as the result of incident that occurred on a StarTran bus. This claim has been reviewed by this office and has been **settled** in the amount of \$5,000.

**Jeanne M. Brooks** filed a claim during the month of January, 2015, in the amount of \$906.58 for damage incurred to vehicle when it was struck by a police vehicle. This claim has been **settled** by the Risk Management Office in the amount of \$836.58.

### **PENDING CLAIMS:**

**Dixie Koch** filed a claim during the month of April, 2013, in an unspecified amount for injury allegedly incurred when she tripped on a sign that was lying on sidewalk. This claim is under review and is **pending**.

**Titus DeBoer** filed a claim during the month of April, 2013, in an unspecified amount for damage allegedly incurred to tire as the result of a pothole. This claim is under review and is **pending**.

**Dean and Lynda O'Connell** filed a claim during the month of May, 2013, in the amount of \$513.60 for damage allegedly incurred to sod and sprinkler by City Water personnel. This claim is under review and is **pending**.

**James McCown** filed a claim during the month of December, 2013, in an unspecified amount for damage incurred to vehicle when allegedly struck by either a Lincoln Electric System vehicle or a Lincoln Water System vehicle. This claim is under review and is **pending**.

**Shawnadee and Mark Morris** filed a claim during the month of January, 2014, in an unspecified amount for damages incurred as the result of water main break. This claim is under review and is **pending**.

**Jordan Kaiser** filed a claim during the month of January, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Doralu Streeter** filed a claim during the month of January, 2014, in an unspecified amount for injury allegedly incurred when claimant fell on the 10th Street pedestrian overpass. This claim is under review and is **pending**.

**Shere Lynn Sieckmeyer** filed a claim during the month of February, 2014, in an unspecified amount for injury allegedly incurred as the result of fall on sidewalk. This claim is under review and is **pending**.

**Jerry Spale** filed a claim during the month of February, 2014, in the amount of \$21,500 for alleged injury incurred when claimant was a passenger on a StarTran bus that was involved in a motor vehicle accident. This claim is under review and is **pending**.

**Jeffrey and April Morrison** filed a claim during the month of February, 2014, in the amount of \$7,259.00 for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Jennifer Woodard and Joseph Rolenc** filed a claim during the month of March, 2014, in the amount of \$30,000 for damages incurred when an overhead traffic signal pole fell on claimants' vehicle. This claim is under review and is **pending**.

**Maureen Ellis** filed a claim during the month of April, 2014, in an unspecified amount for damage incurred as the result of water main break. This claim is under review and is **pending**.

**Tobias Pelaez, Personal Representative of Estate of Fernando Pelaez Carmona** filed a claim during the month of May, 2014, in the amount of \$1,000,000 alleging the death of Fernando Pelaez Carmona was caused by custodial conditions occurring during the time of his arrest by Lincoln police and his incarceration at the Lancaster County Correctional Center. This claim is under review and is **pending**.

**Joshua Ryan Cozine and Anthony Charles Turner** filed a claim during the month of May, 2014, in the amount of \$15,000 for alleged damages incurred as the result of actions by Library personnel. This claim is under review and is **pending**.

**Kirk Botts** filed a claim during the month of May, 2014, in the amount of \$150,000 alleging he was assaulted and illegally arrested by Lincoln police officers. This claim is under review and is **pending**.

**Maurice Moore** filed a claim during the month of June, 2014, in the amount of \$150,000 alleging illegal and discriminatory arrest and detention when he was arrested. This claim is under review and is **pending**.

**William and DeLoyce Harris** filed a claim during the month of July, 2014, in the amount of \$3,009.00 for damages allegedly incurred as the result of the execution of a "no knock" warrant by Lincoln police. This claim is under review and is **pending**.

**State Farm Insurance as subrogee of Clifford Sibley** filed a claim during the month of July, 2014, in the amount of \$873.27 for damage allegedly incurred to insured's vehicle at Elk's baseball field parking lot. This claim is under review and is **pending**.

**KI and Elizabeth Dayalu** filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

**Arbor Day Foundation** filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

**Latitude Subrogation Services on behalf of Auto-Owners Insurance as subrogee of Scott Cratsenberg** filed a claim during the month of August, 2014, in the amount of \$3,092.99 for damage incurred to insured's vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

**Ruth Jensen** filed a claim during the month of August, 2014, in the amount of \$50.00 for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**United Fire & Casualty Company as subrogee of Bouwens Plumbing** filed a claim during the month of August, 2014, in an unspecified amount for damage incurred to property owned by Marcus Tooze when water shot off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. This claim is under review and is **pending**.

**Rita Green** filed a claim during the month of August, 2014, in the amount of \$500.00 for damage allegedly incurred as the result of water main break. This claim is under review and is **pending**.

**Kejjan Hesso** filed a claim during the month of September, 2014, in the amount of \$100,000.00 for injury incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Lynda S. King** filed a claim during the month of September, 2014, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Shana Anderson** filed a claim during the month of September, 2014, in the amount of \$6,703.52 for injury incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Judy Sinkler** filed a claim during the month of October, 2014, in the amount of \$267.50 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Joe Chaloupka** filed a claim during the month of October, 2014, in the amount of \$444.05 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Ernest L. Strasil** filed a claim during the month of October, 2014, the amount of \$55,088.55 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Douglas House** filed a claim during the month of October, 2014, in an unspecified amount alleging that his First, Fifth, and Fourteenth Amendment rights have been violated as the result of arrest by Lincoln police. This claim is under review and is **pending**.

**Ashley Sams** who is the surviving spouse of Stephen Sams filed a claim during the month of October, 2014, in an unspecified amount alleging the wrongful death of Stephen Sams who after his arrest by Lincoln Police attempted suicide in the jail and later died at the hospital. This claim is under review and is **pending**.

**Yolanda Williams** filed a claim during the month of October, 2014, in an unspecified amount for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Hillary and Shawn Pospisil** filed a claim during the month of October, 2014, in the amount of \$2,125.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Ivan and Inna Strilkivsky** filed a claim during the month of October, 2014, in the amount of \$2,534.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Marvin Griggs** filed a claim during the month of October, 2014, in the amount of \$680.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Rhonda Bothe** filed a claim during the month of October, 2014, in the amount of \$1,190.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Todd Garrison** filed a claim during the month of October, 2014, in the amount of \$608.58 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Kyle Schwaninger** filed a claim during the month of October, 2014, in the amount of \$4,140.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**James and Juelle Holz** filed a claim during the month of October, 2014, in the amount of \$21,278.22 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Albert Sherman** filed a claim during the month of October, 2014, in the amount of \$874.13 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**William Rezac** filed a claim during the month of October, 2014, in the amount of \$20,074.52 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Tom and Pearl Curry** filed a claim during the month of October, 2014, in the amount of \$1,933.69 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Steve LaFargue** filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

**Thelma Helgren** filed a claim during the month of October, 2014, in the amount of \$2,520.71 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Andrew Ross** filed a claim during the month of October, 2014, in the amount of \$9,099.79 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Jama Compton** filed a claim during the month of October, 2014, in the amount of \$4,631.26 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Robert and Kathleen Harrop** filed a claim during the month of October, 2014, in the amount of \$2,330.00 for alleged damage incurred to rental property as the result of action by Lincoln police during the execution of a no knock warrant. This claim is under review and is **pending**.

**Donald and Debra Thraillkill** filed a claim during the month of October, 2014, in the amount of \$3,273.27 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Brian Michel** filed a claim during the month of October, 2014, in the amount of \$4,832.99 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Jimmy W. Hill and Sara M. Kinney** filed a claim during the month of October, 2014, in the amount of \$1,491.80 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Kristi Robinson** filed a claim during the month of October, 2014, in the amount of \$4,006.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Larry Ball** filed a claim during the month of November, 2014, in an unspecified amount alleging he incurred physical pain and emotional distress when he was arrested by Lincoln Police while distributing leaflets in front of Pinnacle Bank Arena. This claim is under review and is **pending**.

**Catalina Alvarez and Carlos Servan** filed a claim during the month of November, 2014, in the amount of \$150.00 for reimbursement of electrician expenses incurred due to alleged failure of L.E.S. to diagnose problem with service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Joel and Helen Sindelar** filed a claim during the month of November, 2014, in the amount of \$987.35 for expenses incurred as the result of sewer back-up. This claim is under review and is **pending**.

**Susan J. Dermer** filed a claim during the month of November, 2014, in the amount of \$10,226.02 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Tammy Wilson** filed a claim during the month of November, 2014, in an unspecified amount for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Eunice Higgins** filed a claim during the month of November, 2014, in the amount of \$998.23 for damage incurred to vehicle when it struck a street lamp pole that had fallen onto street. This claim is under review and is **pending**.

**James W. Gelinne** filed a claim during the month of November, 2014, in the amount of \$1,599.54 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Scott and Cathy Norquest** filed a claim during the month of November, 2014, in the amount of \$5,233.24 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**State Farm as subrogee of Trevor Lowery** filed a claim during the month of November, 2014, in the amount of \$2,430.18 for damage incurred to insured's vehicle when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Deborah L. (Rima) Wilson** filed a claim during the month of November, 2014, in the amount of \$11,644.71 for damage incurred as the result of a sanitary sewer back-up. **Farmers Mutual of Nebraska** filed a subrogation claim in the amount of \$5,000.00 for payment made to its insured, Deborah Wilson, as a result of the sewer back-up. These claims are under review and are **pending**.

**Mark Severson** filed a claim during the month of December, 2014, in the amount of \$1,581.02 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Raymond McLeod** filed a claim during the month of December, 2014, in the amount of \$1,180.00 for damage incurred to hearing aid when claimant fell on steps at Auld Pavilion. This claim is under review and is **pending**.

**Olga Alfonso** filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

**Richard Avila** filed a claim during the month of December, 2014, in the amount of \$17,405.00 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Tom Gewecke** filed a claim during the month of December, 2014, in the amount of \$3,736.32 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Tom Gewecke** filed a claim during the month of December, 2014, in the amount of \$1,318.28 for damage incurred as the result of sanitary sewer back-up. This claim is under review and is **pending**.

**Mila Wulbern** filed a claim during the month of January, 2015, in the amount of \$175.00 for damage allegedly incurred to garage door opener as the result of execution of search warrant by Lincoln police. This claim is under review and is **pending**.

**William Swearingen** filed a claim during the month of January, 2015, in the amount of \$4,700.00 for damage allegedly incurred when Lincoln Water System employee was replacing water meter at claimant's home. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of January, 2015, in the amount of \$467.29 for damage allegedly incurred to cable by L.E.S. This claim is under review and is **pending**.

**NEW CLAIMS FILED DURING THE PERIOD OF JANUARY 16 THROUGH JANUARY 31, 2015:**

**Jamie Thompson** filed a claim in the amount of \$822.01 for damage incurred to vehicle as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Amanda Burke** filed a claim in the amount of \$151.32 for damage incurred to vehicle when struck by equipment operated by personnel of the Forestry Division of the Parks Department. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**Lailoma Ayubzai** filed a claim during the month of April, 2010, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant's vehicle was struck by a vehicle operated by an individual who was fleeing from police. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus**, filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit was filed in the Lancaster County Court and litigation is **pending**.

**Arok Atem** filed a claim during the month of March, 2012, in the amount of \$1,000,000 for injury allegedly incurred when claimant was arrested and transported to the Lancaster County Jail. This claim was withdrawn and suit was filed in the Lancaster County District Court. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**Leroy Duffie** filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case has been transferred to the U.S. District Court. Litigation is **pending**.

**Ben and Leigh Lewis on behalf of Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**State Farm Insurance as subrogee of Insured, David Tarrence** filed a claim during the month of October, 2012, in the amount of \$17,615.65 for damage incurred to Insured's truck when it collided with an alleged low hanging tree limb. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Dawn Amory** filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Michael Lecher** filed a claim during the month of December, 2012, in the amount of \$250,000 alleging that Lincoln police officers used excessive force when arresting him. This claim was reviewed by this office and denial was approved by the Lincoln City Council on March 25, 2013. Suit was filed in Lancaster County District Court and litigation is **pending**.

**Nationwide Insurance Co. as subrogee of Insured, James and Marti Harris** filed a claim during the month of April, 2013, in the amount of \$9,799.42 for damage incurred to Insured's vehicle as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on June 17, 2013. Suit was filed in Lancaster County Court and litigation is **pending**.

**Nicole Ulm** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

**John Crow** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Elisa O'Dell and John O'Dell** filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit was filed in Lancaster County District Court and litigation is **pending**.

**Jennifer Tomka on behalf of Samuel Tomka** filed a claim during the month of June, 2013, in the amount of \$4,329.28 for injury incurred to Samuel Tomka due to alleged defective ramp at Tierra Skatepark. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 16, 2013. Suit was filed in Lancaster County Court and litigation is **pending**.

**Shayla Funk** filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and litigation is **pending**.

**Floyd Brown** filed a claim during the month of April, 2013, in the amount of \$100,000 for injuries incurred as the result of an accident involving a StarTran bus. **State Farm Insurance** filed a subrogation claim in the amount of \$5,000 for medical benefits paid as the result of the accident. This claim was withdrawn and suit was filed in the Lancaster County District Court. Litigation is **pending**.

Submitted by City Law Department  
c: Risk Management